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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,979	07/30/2003	Alfred Hardy Sullivan JR.	C&A024U	9505

32047 7590 08/28/2007

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EXAMINER	
DANIELS, MATTHEW J	

ART UNIT	PAPER NUMBER
1732	

MAIL DATE	DELIVERY MODE
08/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,979	SULLIVAN ET AL.	
	Examiner	Art Unit	
	Matthew J. Daniels	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18,21-23 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18,21-23 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 18, 21-23, and 25** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure of the air flow permeability being "at least" 38 cubic feet per minute per square foot resulting from the claimed process. Firstly, there is no support for all values above 38 cubic feet per minute per square foot. Disclosure of an exact value does not support a limitation to all those above it. Second, note that in Example I where a permeability of 38 cubic feet per minute per square foot is disclosed, the permeability is achieved without the step of injection molding, whereas the claimed invention is drawn to a permeability which includes the molded plastic substrate formed by injection molding as a part of the trim cover. Third, Example I of this application achieves a uniform "froth and cloth" layer of 6.4 mm, and resulting in a permeability of 38 cubic feet per minute per square foot. However, there is no support in the specification for the desired limitation that including a backing layer substantially thicker (51.3 mm) would achieve the same permeability. As noted above, this disclosed value also excludes the injection molded layer, which would further reduce the permeability.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Rejections set forth previously are withdrawn in view of the claim amendments.

3. **Claims 18 and 21-23** and are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt (USPN 3085896) in view of Alfter (USPN 3954537). **As to Claim 18**, Britt teaches a process for forming a trim panel consisting of:

a) supplying a cloth having a backside (1:17-19);

b) coating the backside with a liquid polyurethane dispersion (7:18-24) to form a backing layer of 1 inch (1:22) which would obviously provide the claimed relatively smooth gauge, and drying the backing layer (7:70-8:3);

c) forming a molded plastic substrate on the backing layer (8:5-7), wherein the backing layer would obviously not allow strikethrough of the cloth by the molded plastic substrate on the backing layer;

Britt is silent to:

c) forming a molded plastic substrate by injection molding

d) incorporating the cloth including the molded plastic substrate into a vehicle as a trim cover wherein the trim cover has an air flow permeability of at least 38 cubic feet per minute per square foot.

However, these aspects of the invention would have been obvious for the following reasons:

Alfter teaches that it is known to provide a knit or woven (cloth) material (2:34-40) having a foam backing layer (5) and forming a molded substrate using an injection molding process onto the backing layer (3:56-58). In view of the intended use as an upholstery part in the automobile industry (3:31-34), it is submitted that it would have been obvious to incorporate the article into a vehicle as an upholstery part, which is obviously a trim cover.

Although silent to the particular air flow permeability, it is noted that the process and ingredients of Britt and Alfter are the same or substantially the same as those disclosed in the inventive process. By providing the same process steps and ingredients, and producing the same result, it is submitted that the claimed air flow permeability would have been implicit or obvious over the references which teach the ability to vary foam thickness.

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Alfter into that of Britt because Britt specifically suggests that the foam-backed material should have a second foam, which Alfter provides. **As to Claims 21 and 22**, Alfter teaches knit or woven materials, and it is submitted that these would be conventional materials for cushions and upholstery in automobiles. Britt suggests cloth materials at 1:18, and the knits and wovens of Alfter would be two common cloth materials. **As to Claim 23**, it is submitted that the density of the Britt foam would meet the claimed density

(13:60-65), or in the alternative, that it would be obvious to vary the density of the foam by the particular ingredients and mixing of the foam.

4. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Britt (USPN 3085896) in view of Alfter (USPN 3954537), and further in view of Kobayashi (USPN 5656675). As to Claim 25, Britt is silent to the particular basis weight. However, it is submitted that it would be obvious that materials which can be described as a cloth (Britt, 1:18-19) would have basis weights within the claimed range. However, Kobayashi also teaches that in an automotive trim article, it is known to provide basis weight fabrics of from 100 to 300 grams per square meter (9:30). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Kobayashi, namely the use of a basis weight cloth from 100 to 300 grams per square meter, into the method of Britt in view of Kobayashi's suggestion that the fabric should be used with a foam backing layer (9:30-45) and the teaching that Britt provides a method for providing a foam backing layer.

Response to Arguments

5. Applicant's arguments filed 14 May 2007 have been fully considered but they are not persuasive or are moot in view of the new grounds of rejection set forth above. The arguments are on the following grounds:

a) Hus requires flame lamination, adhesive bonding, or some other bonding process. Hus only contemplates the use of separately formed backing materials which are adhered, and not

deposited directly upon. The Admitted Prior Art describes the process for use with carpet, and the claim has been amended such that is excludes the carpet (which is not a trim panel).

b) Gribble teaches the surface to which the frothed dispersion is applied has 2 layers of foam and cloth. Thus, it is distinguished from the invention now claimed (consisting of the recited elements).

c) Gribble does teach a foam backed material used in an automotive application, but does not teach how to provide the process by which it is made.

6. These arguments are moot or not persuasive for the following reasons:

a,b,c) A new reference to Britt is applied in view of the amended claim. It is submitted that Britt provides the same doctor blade coating process (7:22) and convection oven (7:50-51) as recited in the arguments at page 4 to be inventive aspects of this application. Comparison of the temperature used in the Britt process (200-350 F at 8:2) to the instant specification, page 9, line 3 (290 F) shows that the process is the same or substantially the same as the inventive process. It is noted that this amendment switches inventions from the subcombination set forth previously to the combination which is presently claimed (a method including the installation step).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 8/23/07

MJD

CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER